

REMARKS

Claims 1-13 are pending in the application. Claim 1 is the only independent claim.

Claims Objections

Claim 2 stands objected to because of a spelling irregularity.

Claim 2 is amended herein to correct the irregularity, as directed by the Examiner.

Claims Rejections - 35 U.S.C. §§ 102 and 103

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,581,564 to Villegas.

Claims 2 and 3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 2,581,564 to Villegas in view of U.S. Patent No. 5,908,428 to Scirica et al.

Claims 4-6 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 2,581,564 to Villegas in view of U.S. Patent No. 2,240,330 to Flagg et al.

Claims 7-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 2,581,564 to Villegas in view of U.S. Patent No. 3,918,455 to Coplan.

Claim 12 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 2,581,564 to Villegas in view of U.S. Patent Application Publication No. 2004/0260145 by Borst et al.

Applicant has amended claim 1 herein to provide a better definition of the invention. Applicant respectfully maintains that claim 1 distinguishes the invention over

the prior art and particularly over the art relied on by the Examiner in rejecting the claims of the instant application.

Claim 1 As recited in claim 1, an atraumatic surgical needle has two tissue-penetrating needle tips and comprises a tubular metal shaft that is hollow from tip to tip. At least one of the tips is open. The shaft has a central portion that is equipped with a hole through which emerges a surgical thread that is anchored inside the needle.

Villegas discloses a needle with a single tissue-penetrating needle tip. Villegas does not disclose or suggest an atraumatic surgical needle has two tissue-penetrating needle tips.

Villegas discloses a needle where a thread extends from a hole at one end of the needle, not from a hole in a central portion of a needle shaft. Villegas does not teach or imply an atraumatic surgical needle with a surgical thread extending from a hole in a central portion of the needle.

The combination of Villegas with Scirica et al. does not result in the present invention as set forth in amended claim 1.

Scirica et al. do not disclose a two-tipped surgical needle as contemplated by the present applicant. More specifically, Scirica et al. do not teach or suggest an atraumatic surgical needle having *two tissue-penetrating needle tips*. Instead, Scirica et al. disclose a needle with a *single* tissue-penetrating needle tip. The pointed terminal portion (208) of the Scirica surgical needle 200 is not a tissue-penetrating needle tip but is rather configured to facilitate loading of the Scirica needle (200) in jaws (16, 18) of a surgical instrument.

Even if Scirica et al. had disclosed a surgical needle having two tissue-penetrating needle tips, that would not have induced one of ordinary skill in the art to modify the needle of Villegas to have two tissue-penetrating needle tips. The entire purpose and object of the Villegas invention is the key-hole-shaped slot (16, 18) at the blunt end of the needle. For the Villegas invention to make sense, the suture thread (14) must emerge from one end of the needle, along the needle axis. However, having the thread (14) emerge at a sharp tip would interfere with the usefulness of that second tissue-penetrating needle tip.

The purpose and object of the Villegas invention would also prevent one of ordinary skill in the art from modifying the Villegas needle to have the thread emerge from the needle through a hole in a central portion of the needle, as set forth in applicant's claim 1. Thus, the fact that Scirica et al. teach the emergence of a thread laterally from the Scirica needle would not enable one of ordinary skill in the art to arrive at applicant's thread configuration as set forth in claim 1.

The other references relied on by the Examiner in the Office Action of September 19, 2007 are insufficient to enable one of ordinary skill in the art to so modify the Villegas needle as to arrive at applicant's invention as set forth in amended claim 1.

Flagg et al. disclose a needle having only one needle tip. A thread is received at the opposite end of the needle and emerges from such end along the longitudinal axis of the needle, as in the needle of Villegas.

Coplan also discloses a needle having a single needle tip, with a thread emerging from the opposite or trailing end of the needle along the longitudinal axis thereof, as in the needle of Villegas.

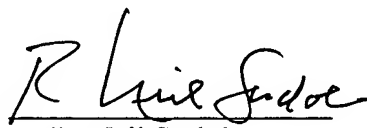
Conclusion

For the foregoing reasons, independent claim 1, as well as the claims dependent therefrom, is deemed to be in condition for allowance. An early Notice to that effect is earnestly solicited.

Should the Examiner believe that direct contact with applicant's attorney would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the number below.

Respectfully submitted,

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